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Leahy is opposed to immunity for Poindexter, North

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The vice chairman of the Senate Intelligence Committee yesterday warned against granting immunity to Lt. Col. Oliver North and Vice Adm. John Poindexter in return for their testimony on the Iran-Contra affair.

"If people have broken the law ... they ought to be prosecuted, they ought to be convicted, they ought to go to jail," Sen. Patrick Leahy, Vermont Democrat, said on ABC-TV's "This Week."

Sen. David Durenberger, chairman of the intelligence panel, said Col. North and Adm. Poindexter need not fear criminal prosecution.

"When I look at the facts, I've come to the conclusion that we have all exaggerated the personal liability of both these fellows," Mr. Durenberger said on the same program.

"Taking the Fifth Amendment continues to exaggerate it. I don't think either of these fellows has anything to fear from the facts."

The Minnesota Republican warned that investigations of the diversion of secret Iranian arms sales money to the Nicaraguan resistance could drag on indefinitely.

"There are two people in America who can solve this problem today:

John Poindexter and Oliver North," said Mr. Durenberger.

Adm. Poindexter resigned as national security adviser and Mr. North was fired from the National Security Council staff when Attorney General Edwin Meese III disclosed on Nov. 25 that \$10 million to \$30 million from secret U.S. arms sales to Iran had been diverted to the resistance forces fighting Nicaragua's Marxist Sandinista regime.

Mr. Meese said Col. North was the only administration official with "precise" knowledge of the Iran-Contra connection, and Adm. Poindexter had general knowledge of it.

Despite President Reagan's promise of full White House cooperation with congressional probes, both Adm. Poindexter and Col. North have refused to answer questions on

Capitol Hill about the episode, invoking their Fifth Amendment protection against self-incrimination.

The Senate Intelligence Committee will meet this evening to decide how much further to carry its behind-closed-doors investigation of the transactions.

In an interview yesterday with Cable News Network, Mr. Durenberger said CIA Director William Casey

is scheduled to testify tomorrow.

"We expect to call [Secretary of State] George Shultz, [Secretary of Defense] Casper Weinberger, Ed Meese and [White House Chief of Staff] Don Regan during the course of the week."

On ABC earlier, Mr. Leahy said: "The president's saying he won't invoke executive privilege and he wanted to totally cooperate," Mr. Leahy said. "Well, then, let Donald Regan come up and totally cooperate."

The Justice Department acknowledged Friday that the Senate committee has notified Mr. Meese that he will be called to testify this week.

Patrick Korten, a department spokesman, said yesterday that Mr. Meese might seek to work out some "scheduling difficulties," but the attorney general would appear before the committee, "as long as suitable arrangements can be worked out."

Intelligence panel members have expressed growing impatience with recent administration witnesses who have declined to testify. Two staff members of the National Security Council on Friday declined to testify before the committee, raising to six the number of witnesses who have done so thus far.

A federal court is expected this week to appoint an independent

counsel to investigate possible criminal wrongdoing by administration officials, and special House and Senate committees will begin probes of the Iran-Contra scandal next month.

Lawrence E. Walsh, a 74-year-old lawyer who was a negotiator at the

Vietnam peace talks in Paris in 1969 and was president of the American Bar Association in 1975-76, is expected to be selected for the job.

The Iran-Contra affair has plunged Mr. Reagan into the sternest crisis of his presidency, with some, mostly Democrats, rushing to draw parallels to the Watergate scandal that led to former President Nixon's resignation.

Former Nixon aide John Ehrlichman yesterday said Mr. Reagan's "not being willing to step out and take decisive action" reminds him of Mr. Nixon's inaction on Watergate in 1973.

Mr. Ehrlichman, appearing on ABC-TV, said Col. North and Adm. Poindexter should divulge all the facts to the president in the Oval Office.

"He's the commander in chief — come to him," Mr. Ehrlichman said.

"And the battle flags would be in the background, and the Great Seal of the President of the United States on the rug, and he'd say, 'Gentlemen, for the good of the country, you've

got to tell me what's happened here, and stand there in a brace, in a military manner, give me the word and leave your lawyers outside.'"

After that, Mr. Ehrlichman, who has become a novelist, said, the president should tell them, "Get out of my way, I'm headed for the press room," to deliver the "unvarnished" truth to the media.

House and Senate leaders have agreed to form separate Watergate-style select committees to investigate the Iran-Contra scandal once the 100th Congress convenes on Jan. 6.

Today, Senate leaders are expected to announce their appointments to their committee, which will consist of six Democrats and five Republicans. House leaders have said they also may name their appointments early this week to their 15-person panel — nine Democrats, six Republicans.

Mr. Durenberger said he would also seek to "decide the scope" of the Watergate-style committee at this evening's meeting of the intelligence panel.

"I don't think that if [Senate Republican leader] Bob Dole and [Senate Democratic leader] Bob Byrd have the facts we have today, if they had had those facts in this national hysteria a couple of weeks ago, I don't think there'd be a special committee," he said.